



**BUILDING AND STANDARDS COMMISSION
MINUTES
PANEL 1**

REGULAR MEETING
Date: August 26, 2015

The Building and Standards Commission convened for a regular meeting on Wednesday, August 26, 2015 at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin, Texas.

Commission Members in Attendance:

Charles Cloutman, Chair; Jessica Mangrum, Vice Chair; Melissa Orren; Matt Gonzalez; John McIntyre; Abraham Cohen; Wordy Thompson; Kurt Cadena-Mitchell; and Stanley Martin

Staff in Attendance:

Christopher Moore, Building & Standards Commission Coordinator; Marcus Elliott, Division Manager; Robin Harris, Assistant City Attorney; Carl Smart, Director; Dan Cardenas, Assistant Director; Merlinda Coleman, Program Specialist; Edgar Hinojosa, Assistant Division Manager; Doug Jansky, Administrative Hearing Coordinator; Maria Kirk, Investigator; Manuel Villegas, Division Manager; John Hale, Investigator; Anthony McBryde, Investigator; Brian Eberwine, Investigator; Robert Alverado, Division Manager; Cathy Rivas; Special Operations: Matthew Noriega, Assistant Division Manager; Dedric Knox, Investigator; Rowdy Salazar, Investigator.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:34 p.m.

1. CITIZEN COMMUNICATION: GENERAL

Joseph J. Hajjar spoke before the Commission requesting his property, 1715 Barn Swallow Drive, be brought back before the Commission as a returning case for next month.

Gene Mayes spoke before the Commission requesting his property, 2103 Rosewood, be brought back before the Commission as a returning case next month.

Stuart Hersch spoke before the Commission requesting that the Commission, as part of their work plan, look at the role that the Commission can play eliminating dangerous rental property conditions and unlawful short term rentals.

2. PUBLIC HEARINGS

Commission Coordinator Christopher Moore presented the following cases:

A. New Cases

a. CL 2015-040922

6110 E Riverside Drive

Jesse Castro

6110 E Riverside is an unoccupied commercial structure. The property was represented by Hortencia Castro and Jessie Castro, Jr. wife and son of the deceased owner.

Staff recommended the following to the Commission: The Commission admit Exhibits 1 and 2A through 2K; adopt the proposed Findings of Fact and Conclusions of Law for this property; secure all necessary permits; correct the cited violations by completing all repairs to the structure within forty-five (45) days the date the Order is mailed to the owner; repair or make modifications to meet or exceed the requirements of all applicable codes; require the owner or owner's representative to request inspection(s) to verify compliance; be assessed a penalty of \$500 per week after forty-five (45) days if all work has not been completed with final inspections passed. In lieu of repair, demolition and removal of the structure and all associated materials in and around the structure shall be deemed achieving compliance with this order if completed within forty-five (45) days of the date the Order is mailed to the record Owner. If compliance is not achieved within forty-five (days), Code Officials may proceed with the demolition of this structure and will consider all portions of the structure including items in

and around the structure as debris and dispose of as such. It is ordered if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

A motion was made by Commission Member Wordy Thompson to adopt the Findings of Fact and Conclusions of Law for this property, and amend staff's recommended Order to extend the deadline for demolition and accrual of fines from ninety (90) days to one hundred thirty-five (135) days, and the City will give the Castros the price that the City gets for demolition. Commission Member John McIntyre seconded on a 9-0-0 vote.

A motion was made to reopen the hearing by Commission Member Kurt Cadena-Mitchell, seconded by Vice-Chair Jessica Mangum. Vote was unanimous 9-0-0. Chair Cloutman admitted Exhibit 1 and 2 A through 2K on CL 2015-040922. Commission Member Matt Gonzales made a motion to close the public hearing and to keep the existing order in place, seconded by Commission Member Kurt Cadena-Mitchell. The motion carried on a 9-0-0 vote.

b. CL 2015-098052 1105 Ruth Avenue

Albert & Pamela Satterfield

1105 Ruth Avenue is an unoccupied residential structure. The case was represented by the owner Albert Satterfield.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2P; adopt the proposed Findings of Fact and Conclusions of Law for this property; issue an order that requires the property owner or property owner's representative to secure all necessary permits; demolish all portions of the residential structure located on the property that shall be demolished and removed completely, the lot left in a cleaned and raked condition within forty-five (45) days from the date the order is mailed to the owner; require the owner or owner's representative to request inspection to verify compliance; if compliance is not achieved within forty-five (45) days, the Code Official may proceed with demolition and will consider all portions of the residential structure, including items and around the structure, as debris and dispose as such, and a penalty of \$250 per week will be assessed until compliance is achieved. It is ordered if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

A motion was made by Vice-Chair Jessica Mangrum to adopt the Findings of Fact and Conclusions of Law for this property, and recommended order to demo property Commission Member Abraham Cohen seconded on a 9-0-0 vote. Commission Member Stanley Martin made a motion for a friendly amendment, seconded by Commission Member Abraham Cohen and accepted by Vice-Chair Mangrum, to amend penalty to \$500 per week after 45 days. The motion carried on a vote of 9-0-0.

c. CL 2015-098012 6312 Felix Avenue

Joe Cordova & Mary Louise Herrera

6312 Felix Avenue is a vacant, single-family residential property with a proposed agreed order. The property was not represented.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2H; adopt the proposed Findings of Fact and Conclusions of Law for this property; issue an order that requires the property owner or property owner's representative to secure all necessary permits; demolish all portions of the residential structure located on the property that shall be demolished and removed completely, the lot left in a cleaned and raked condition within forty-five (45) days from the date the order is mailed to the owner; require the owner or owner's representative to request inspection to verify compliance; if compliance is not achieved within forty-five (45) days, the Code Official may proceed with demolition and will consider all portions of the residential structure, including items and around the structure, as debris and dispose as such, and a penalty of \$250 per week will be assessed until compliance is achieved. It is ordered if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Chair Cloutman admitted Exhibit 1 and 2A through 2H. Vice-Chair Jessica Mangrum made a motion to adopt the recommended order as proposed, seconded by Commission Member Wordy Thompson and Commission Member Abraham Cohen. The motion carried on a 9-0-0 vote.

d. CL 2015-098024 2101 Lemon Drive, Unit A

Antal Juhasz

e. CL 2015-098035 2101 Lemon Drive, Unit B

Antal Juhasz

2101 Lemon Drive, Units A and B make up a commercial duplex structure. These cases were not represented.

Staff recommended the following to the Commission: the Commission admit Exhibit 1 and 2A through 2P for Unit A; and Exhibit 1 and 2A through 2X for Unit B; and for both units, adopt the Findings of Fact and Conclusions of Law for this property; issue an order that requires the property owner or property owner's representative to secure all necessary permits; obtain an engineer's report; correct the cited violations by completing all repairs to the structure within forty-five (45) days the date the Order is mailed to the owner; repair or make modifications to meet or exceed the requirements of all applicable codes; require the owner or owner's representative to request inspection(s) to verify compliance; be assessed a penalty of \$500 per week after forty-five (45) days if all work has not been completed with final inspections passed. This would apply for both units. If the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records of the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Chair Charles Cloutman admitted Exhibit 1 and 2A through 2P for Unit A and Exhibit 1 and 2A through 2X for Unit B.

A motion was made by Commission Member Vice-Chair Melissa Orren and seconded by Commission Member Matt Gonzales to adopt the Findings of Fact and Conclusions of Law for this property and amend the Order amount to the maximum of \$500 per day per case. A Friendly Amendment was made by Commission Member Abraham Cohen and was seconded by Commission Member Matt Gonzales change penalty to \$1000 per building per week with an option for Code to proceed with a demolition after 90 days if compliance has not been achieved. The friendly amendment was accepted by Commission Member Orren. The motion carried on a 9-0-0 vote.

e. CL 2015-097643 1805 Ferdinand Street

David Chapel Missionary Baptist Church

1805 Ferdinand Street has an unoccupied commercial structure with an Agreed Order. The owner chose not to appear.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2J; adopt the proposed Findings of Fact and Conclusions of Law for this property; secure all necessary permits; correct the cited violations by completing all repairs to the structure within forty-five (45) days the date the Order is mailed to the owner; repair or make modifications to meet or exceed the requirements of all applicable codes; require the owner or owner's representative to request inspection(s) to verify compliance; be assessed a penalty of \$500 per week after forty-five (45) days if all work has not been completed with final inspections passed. It is ordered if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Chair Cloutman waived Exhibits 1 and Exhibit 2A through 2J.

A motion was made by Commission Vice-Chair, Jessica Mangrum to adopt the proposed Findings of Fact and Conclusions of Law set out and the proposed agreed order. The motion was seconded by Commission Member Melissa Orren and carried on a 9-0-0 vote.

f. CL 2015-093276 6605 E. Riverside Drive

New Jerusalem Baptist Church

6605 E Riverside is an unoccupied commercial structure with an agreed order. The property was not represented.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2V; adopt the proposed Findings of Fact and Conclusions of Law for this property; issue an order that requires the property owner or property owner's representative to secure all necessary permits; demolish all portions of the residential structure located on the property that shall be demolished and removed completely, the lot left in a cleaned and raked condition within forty-five (45) days from the date the order is mailed to the owner; require the owner or owner's representative to request inspection to verify compliance; if compliance is not achieved within forty-five (45) days, the Code Official may proceed with demolition and will consider all portions of the residential structure, including items and around the structure, as debris and dispose as such, and a penalty of \$250 per week will be assessed until compliance is achieved. It is ordered if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Chair Cloutman admitted Exhibit 1 and 2A-2V into evidence.

The motion was made by Commission Member Matt Gonzales to proposed Findings of Fact and Conclusions of Law and the recommended agreed order. Commission Member Abraham Cohen seconded on a 8-0-1 vote.

B. Returning Cases

a. CL 2006-025050 1119 Ebert Avenue Guy Campbell

1119 Ebert Avenue is an unoccupied residential property. This case was represented by Joyce Campbell.

A repair order was issued by the BSC in 2006. Code found that the property remained in violation and recommended that penalties remain as they are.

Chair Charles Cloutman admitted Exhibit 1 and 2A through 2Y as evidence. A motion was made by Commission Member Kurt Cadena-Mitchell to close the public hearing and modify the existing order by 1) determining the amount of civil penalty due is \$0; change the required remedy to demolition; and change the deadline to comply with the order to 15 days. Commission Member John McIntyre seconded the motion that carried on a 7-2-0 vote.

b. CL 2014-000374 1409 Newning Avenue Kathryn Havins Campbell

1409 Newning Avenue is a returning case, represented by Christina Campbell. The case was first presented in 2014 and an order was issued for repair. The current penalties accrued are \$33,642.86. The owner has returned to seek relief of fines and penalties.

The City of Austin Code Compliance found that this property conditions are still substandard and recommends that the order remains as is. Commission Chair Charles Cloutman admitted Exhibits 1 and 2A through 3B.

A motion was made by Commission Member Stanley Martin, seconded by Commission Member Melissa Orren to charge no penalty for 30 days. A friendly amendment was made by Commission Member John McIntyre and seconded by Commission Member Melissa Orren to take \$6000.00 off of the penalty. The motion carried on a 7-2-0 vote.

c. CL 2012-107198 2300 Jenibeth Lane Gerald Duisberg

This is an unoccupied residential property. This is a case that was previously brought to the Commission in 2012 and a repair order was issued. The property was not represented.

Staff recommended that the Commission modify the existing order and make a demo order for this property.

Chairman Charles Cloutman admitted into evidence Exhibit 1 and 2A-2K.

Commission Member Matt Gonzales made a motion to adopt Staff's Findings of Fact and Conclusions of Law for this property and modify the existing order to instruct the City to now order demo after 45 days, with fines accruing as per the original order. The motion was seconded by Commission Member Cohen and carried on a 9-0-0 vote.

d. CL 2013-124306 11615 Pearwood Place David Blakely

This appeal was pulled from the agenda.

C. Appeals

a. CL 2015-098097 100 E. Home Place George Alexander, Sr. Life Estate

100 E. Home Place is an unoccupied residential property. The case was not represented. The owner's appeal requested an extension of time to complete renovations. An email from Georgia Norman was read into the record.

Commission Member Stanley Martin made a motion to deny the appeal, seconded by Commission Member Abraham Cohen. The appeal was denied on a 6-3-0 vote.

b. CL 2015-098105 611 West Lynn Charles Dildy & Bertha Magdalen Steger Dildy

611 West Lynn is a residential structure. The property was represented by heirs of the property. The heirs are appealing Code's Notice of Violation requiring 30 days for repairs and are requesting a demolition order.

Commission Vice-Chair Jessica Mangrum's motion to close the public hearing and deny the appeal was seconded by Commission Member Wordy Thompson. The appeal was denied on an 8-1-0 vote.

c. CL 2015-098120 2603 Cedarview Drive John Cook and Sarah Pearce

This appeal was pulled from the agenda.

d. CL 2014-084269

1124 Rutland Dr., Bldgs. 1-18

NAHC Cross Creek Apartments, LLC

This appeal was regarding all 19 cases related to this commercial property located at 1124 Rutland Drive. The property was represented by Mitchell Zoll, attorney for the owner. The appeal was regarding violations found in an April 7, 2015 comprehensive inspection. Staff recommended that the appeal be denied.

Commission Vice-Chair Jessica Mangrum recused herself. A motion by Commission Member Matt Gonzales, seconded by Commission Member Stanley Martin to deny the appeal. The appeal was denied on an 8-0-0 vote with a recommendation that the Code Department go to Development Services and expedite the permits.

3. APPROVAL OF MINUTES

The minutes were not distributed to the Commission prior to the meeting so the minutes for June 17, 2015 and July 22, 2015 were not approved.

4. STAFF BRIEFINGS

a. Discussion of the City's Rental Registration Program (also known as the Repeat Offender Program). Chair Cloutman requested that Staff's presentation to City Council be emailed to the Commission. Including the ROP Program at the next BSC general work session, as well as a date, time and place were also discussed.

5. FUTURE AGENDA ITEMS

- a. A Special Called Meeting is scheduled for September 3, 2015 at 1520 Rutherford Lane.
- b. Update on second panel at the September 3, 2015 Special Called Meeting.

6. ADJOURNMENT

Chair Cloutman adjourned the Commission Meeting at 11:33 pm on Commission Member Melissa Orren's motion. Commission Member Kurt Cadena-Mitchell seconded without any objection on a 9-0-0 vote.